



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Applicants: Tinku Acharya et al.

§ Art Unit: 2613

MAY 19 2004

Serial No.: 09/722,988

§

§ Examiner: Y. Young Lee

Filed: November 27, 2000

§

§

For: Wavelet Coding of Video

§ Atty. Docket No.: ITL.0514US (P9822)

Customer No.: 21906

§ Confirmation No.: 5871

OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition Decided by Technology Center Director

Pursuant to MPEP § 1002.02(c)(11)

Petitions to Reinstate Appeals Dismissed in the Technology Center

A Notice of Abandonment for the above referenced application was mailed on May 6, 2004. In response to this Notice, the following are being presented for consideration: (1) a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b); (2) a corrected appeal brief (in triplicate); and (3) the required fees. Thus, reinstatement of the appeal for the above referenced patent application is respectfully requested.

Date of Deposit: <u>5-13-2004</u>
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Rebecca R. Ginn

Facts Involved

1. On December 29, 2003, an appeal brief (in triplicate) was received in the Patent and Trademark Office.
2. On February 26, 2004, a Notification of Non-compliance with 37 C.F.R. § 1.192(c) was mailed.
3. On March 5, 2004, a reply to the Notice of Non-compliance was mailed.
4. On May 6, 2004, a Notice of Abandonment was mailed.

Points to be Reviewed

1. **Reinstatement of Appeal**

An appeal brief was timely filed in triplicate on December 23, 2003. However, the Examiner determined that the brief did not comply with the requirements of 37 C.F.R. § 1.192(c)(7), *Grouping of claims*. An attempt was made, via a Reply to Paper No. 11, to appropriately group the claims. However, because a new brief was not timely filed, the appeal was dismissed. Dismissal of the appeal resulted in abandonment of the application. Revival of the application and reinstatement of the appeal is now sought.

Requested Action

Upon revival of the abandoned application, reinstatement of the appeal is respectfully requested.

Legal Argument

The appeal originally noticed on December 5, 2003 should be reinstated because a Petition for Revival of an Application for Patent Abandoned. Unintentionally, along with a corrected appeal brief (in triplicate) and appropriate fees have been timely submitted for consideration. When an initial petition pursuant to Rule 137(b) is filed within three months of being notified that the application is abandoned and within one year of the date of abandonment, the office does not generally question whether there has been an intentional or otherwise

impermissible delay in seeking reinstatement. *See*, M.P.E.P. § 711.03(c). The Notice of Abandonment was mailed on May 6, 2004. A petition for revival of an application for patent abandoned unintentionally pursuant to Rule 137(b) was filed within three months of May 6, 2004 and one year of the date of abandonment. Thus, consideration of the Rule 137(b) petition should not be delayed. Further, a corrected appeal brief, this petition and the appropriate fees accompanied the Rule 137(b) petition. Accordingly, there is no apparent reason why the appeal previously noticed should not be reinstated.

Fee

A petition brought pursuant to Rule 1.181 does not have a fee expressly provided for in Rule 1.17(h). The Commissioner is authorized to charge any additional fees to Deposit Account No. 20-1504.

Statement that Petition is Timely Filed

A Notice of Abandonment was mailed on May 6, 2004. An initial petition for revival of an application for patent abandoned unintentionally and petition to reinstate an appeal has been addressed within two months of that date.

Respectfully submitted,

Date: May 13, 2004



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MAY 19 2004

OFFICE OF PETITIONS

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PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
ITL.0514US (P9822)

First named inventor: **TINKU ACHARYA, ET AL**

Application No.: **09/722,988**

Art Unit: **2613**

Filed: **NOVEMBER 27, 2000**

Examiner: **Y. YOUNG LEE**

Title: **WAVELET CODING OF VIDEO**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,330 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Appeal Brief (in triplicate) with fee (identify type of reply):

has been filed previously on _____

is enclosed herewith.

B. The issue fee of \$ _____.

has been paid previously on _____

is enclosed herewith.

05/18/2004 SLUANG1 00000076 09722988

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[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

May 3, 2004

Date



Signature

Telephone Number: 713/468-8880

Rhonda L. Sheldon

Typed or printed name

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Address

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Address

Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: Petition to Reinstate Appeal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

May 3, 2004

Date



Signature

Rebecca R. Ginn

Type or printed name of person signing certificate